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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

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2003 SEP -9 P 2: 24

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

SEP 09 2003

AZ CORP COMMISSION
DOCUMENT CONTROL

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IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE ARIZONA
EASTERN RAILWAY COMPANY AT STATE
ROUTE 170, SAN CARLOS HIGHWAY, JCT. US
70, IN GRAHAM COUNTY, ARIZONA, M.P.
1200.79.

DOCKET NO. RR-02634A-03-0606

PROCEDURAL ORDER

BY THE COMMISSION:

On August 26, 2003, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Arizona Eastern Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's existing track at State Route 170, San Carlos Highway, at the junction with US 70, Graham County, Arizona at M.P. 1200.79.

IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

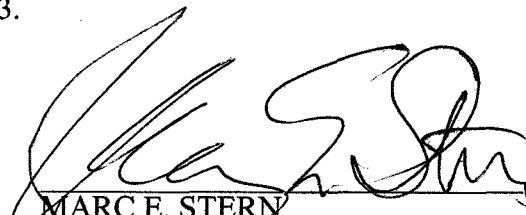
IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the hearing on the application shall be held on October 9, 2003, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the Arizona Department of Transportation shall provide the Railroad and the tribal authority and any other municipality or interested party that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

1 IT IS FURTHER ORDERED that the Arizona Department of Transportation shall file with
2 the Commission's Docket Control proof of compliance with this Procedural Order concurrently with
3 the mailing of notice ordered herein.

4 DATED this 9th day of September, 2003.

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7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 9th day of September, 2003 to:

11 Joe Schwer
12 Assistant Manager/Railroad Liaison
13 Utility & Railroad Engineering Section
14 205 S. 17th Avenue, Mail Drop 618E
15 Phoenix, AZ 85007

16 David Gibson
17 ADOT Traffic Records Section
18 206 S. 17th Avenue, MD-064R
19 Phoenix, AZ 85007

20 Donald Tolle
21 Arizona Eastern Railway Company
22 P.O. Box Y
23 Claypool, AZ 85532-1008

24 Christopher Kempley, Chief Counsel
25 Legal Division
26 ARIZONA CORPORATION COMMISSION
27 1200 West Washington Street
28 Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 North Third Street, Ste. Three
Phoenix, AZ 85004-1103

By: 

Molly Johnson
Secretary to Marc E. Stern